



February 16, 2005

HOUSE BILL No. 1145

DIGEST OF HB 1145 (Updated February 10, 2005 2:20 pm - DI 73)

Citations Affected: IC 10-13; IC 24-4.

Synopsis: Regulation of teen clubs. Provides that cities, towns, and counties may require: (1) licensing of teen clubs; (2) criminal history background checks of owners and employees of teen clubs; (3) statements concerning the criminal background of employees; and (4) age restrictions for individuals who may enter teen clubs.

Effective: July 1, 2005.

Avery, Hinkle, Hoy

January 6, 2005, read first time and referred to Committee on Local Government.
February 15, 2005, amended, reported — Do Pass.

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HB 1145—LS 6679/DI 110+



February 16, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1145

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-13-3-27 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as
3 provided in subsection (b), on request, law enforcement agencies shall
4 release or allow inspection of a limited criminal history to noncriminal
5 justice organizations or individuals only if the subject of the request:
6 (1) has applied for employment with a noncriminal justice
7 organization or individual;
8 (2) has applied for a license and criminal history data as required
9 by law to be provided in connection with the license;
10 (3) is a candidate for public office or a public official;
11 (4) is in the process of being apprehended by a law enforcement
12 agency;
13 (5) is placed under arrest for the alleged commission of a crime;
14 (6) has charged that the subject's rights have been abused
15 repeatedly by criminal justice agencies;
16 (7) is the subject of a judicial decision or determination with
17 respect to the setting of bond, plea bargaining, sentencing, or

HB 1145—LS 6679/DI 110+



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probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) has volunteered services at a public school (as defined in IC 20-10.1-1-2) or nonpublic school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school;

(10) is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family and children;

(11) is being sought by the parent locator service of the child support bureau of the division of family and children;

(12) is or was required to register as a sex and violent offender under IC 5-2-12; **or**

(13) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age; **or**

(14) is an owner or employee (as defined in IC 24-4-14-1) of a teen club (as defined in IC 24-4-14-2) that is regulated by a city, town, or county that has adopted an ordinance under IC 24-4-14.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the

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following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 2. IC 24-4-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 14. Regulation of Teen Clubs

Sec. 1. As used in this chapter, "employee" means a person employed or permitted to work or perform any service in a teen club for remuneration or under any contract of hire, written or oral, express or implied, by an owner of a teen club.

Sec. 2. As used in this chapter, "teen club" means a for-profit establishment that:

(1) is open to the public for the primary purpose of:

(A) offering an individual who is under the legal age for purchasing or consuming alcoholic beverages an opportunity to engage in social activities; and

(B) providing entertainment, food, or nonalcoholic beverages for a profit; and

(2) does not serve alcoholic beverages.

Sec. 3. A city, town, or county may adopt an ordinance to regulate a teen club and impose one (1) or more of the following:

(1) A requirement that a teen club be licensed.

(2) A requirement that an owner or employee of a teen club submit to a criminal history check.

(3) A requirement that an owner of a teen club require, and provide to third parties upon request, a statement from each employee that the employee has not been convicted of a felony or a crime involving children.

(4) An age restriction for individuals who may enter a teen club.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 16, delete "an" and insert "**a for-profit**".

and when so amended that said bill do pass.

(Reference is to HB 1145 as introduced.)

HINKLE, Chair

Committee Vote: yeas 7, nays 0.

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